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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

NIGERIA

[19 July 1995]

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I. LAND AND PEOPLE

1. Nigeria is situated on the west coast of Africa. It is bordered by the Republics of Benin and Niger in the west, Cameroon in the east, Niger and Chad in the north, and the Gulf of Guinea in the south. Nigeria covers a land area of 924,000 square kilometres, with a population of 88.5 million as recorded by the 1991 census, thereby making it the most heavily populated country in Africa. Nigeria has a tropical climate, with two seasons: the dry season which lasts from November to March and the rainy season from April to October. Nigeria has three dominant ethnic groups, the Hausa and Fulani of the north, almost all of whom are Muslims, the Yoruba of the south-west, of mixed religion, and the Ibo of the east, many of whom are Christians.

2. Nigeria is the sixth largest producer of crude oil in the world and the second in Africa. Petroleum accounts for over 80 per cent of the nation's export earnings and about 70 per cent of government revenues. Agriculture also accounts for about 70 per cent of total employment and the major cash crops are cocoa, rubber, groundnuts, cotton and palmnuts.

3. Nigeria is made up of 30 States and the Federal Capital Territory, Abuja. After its independence in 1960, the country adopted a Republican Constitution within the Commonwealth of Nations. Twelve States were created in 1967 out of the then existing four regions. Seven additional States were again created in 1970, two in 1987 and nine in August 1991. The 30 States and Abuja were further subdivided into 589 Local Government Areas. Nigeria operates a three-tier presidential system of government, with the head of State at the centre, while the States are headed by Governors and Local Government Councils are headed by Chairmen. Nigeria, being under a military administration, has the legislative power concentrated mainly in the centre whose supreme organ is the Provisional Ruling Council (PRC) with the head of State as Chairman.

II. GENERAL MEASURES OF IMPLEMENTATION

4. Nigeria ratified the Convention on the Rights of the Child in March 1991. Before the ratification existing national programmes were highly supportive of issues and concerns relating to the welfare and development of the child. Various social service programmes and policies for the child were directly entrenched in Nigerian society.

Background to ratification of the Convention

5. The socio-cultural milieu has important implications for child rights monitoring in Nigeria. In particular, the social system exerts a profound influence on the development of the total personality of the child, his social capacities, his values and attitudes, his aspirations, his anxieties and his self-image.

6. The Nigerian Government had established various national policies and deliberate programmes to pursue and advance child survival concerns in the country. Most notable among existing national policies which are relevant to child rights protection are the National Policy on Health (NPH) 1991, the National Policy on Education, 1981, the Social Development Policy for Nigeria (1989) and the National Policy on Population (1988), details of which

are presented in the appropriate sections of this report. A major government programme which promoted maternal and child care, particularly at the grass-roots, was the Better Life Programme (BLP) which was inaugurated in 1987 and formalized by Decree 42 of 1992.

7. Furthermore, a number of measures were taken which culminated in the ratification of the Convention. These included the following:

(a) A national seminar was organized by the Federal Ministry of Culture and Social Welfare on the Nigerian Child in September 1990. The seminar sensitized the general public to the critical importance of the child in the society;

(b) Nigeria was represented at the World Summit for Children by a high-level government delegation headed by the Vice-President in September 1990;

(c) A National Child Welfare Committee was established by the Federal Ministry of Culture and Social Welfare in February 1991 to formulate a national framework for implementing the goals of the World Summit for Children;

(d) A Trust Fund for the Nigerian Child was established in March 1991 to enhance the talents of children through arts and cultural activities. It also raised funds for the execution of programmes and projects designed for child welfare services especially for disabled children.

Measures taken to harmonize national laws and policies with the provisions of the Convention

8. Laws protecting children in Nigeria exist under various statutes, e.g. Penal Code, Criminal Code and the Children and Young Persons Law. In October 1989 a detailed consideration of legal and social questions arising from the rights of and prejudices against women and children was undertaken at a national conference on women and children. It is against this background, and with the ratification of the Convention on the Rights of the Child, that Nigeria took further steps to review the laws and policies relating to children and women. This led to a further review of the laws and the definition of the child against the background of the Convention.

9. In Nigeria the following administrative and legislative instruments are supportive of the provisions of the Convention:

(a) The Nigerian Labour Act of 1990 which protects children from exploitation and abuse;

(b) The Cinematography Act of 1990 which protects the child from exposure to indecent and obscene materials, publication and films;

(c) The Tobacco and Alcohol Advertisement Decrees, which forbid the use of children in the advertisement of cigarettes and alcoholic beverages;

(d) The Children and Young Persons Law, 1958;

(e) Criminal laws which prohibit the sale and trafficking of children;

(f) By 1993 a draft of a Children's Decree which took into consideration the Convention on the Rights of the Child, the OAU Charter on the Rights and Welfare of the Child and the Beijing Rules, was produced. The draft decree will soon be signed into law.

Existing or planned mechanisms at national or local level coordinating policies relating to children and for monitoring the implementation of the Convention

10. A National Workshop on the Review and Application of the Children and Young Persons Law in Nigeria was held in July 1991. A 62-point communiqué which provided a national framework for a new legal dispensation on the child was released.

11. The Mass Mobilization for Social Justice, Self-Reliance and Economic Recovery (MAMSER) and the African Network for the Prevention and Protection against Child Abuse and Neglect in Nigeria (ANPPCAN) jointly organized a workshop on the Rights of the Child in Nigeria in August 1991.

12. In March 1992, a national seminar was organized by the Federal Ministry of Culture and Social Welfare to sensitize media executives on the implementation of the Convention on the Rights of the Child. It was also designed to solicit the commitment of the mass media in reporting and monitoring the observance of children's rights in the country. Consequently, representatives of media institutions and allied professions signed a statement of commitment to promote the Convention and the OAU Charter on the Rights and Welfare of the Child.

13. A National Committee on Women and Children was set up in 1991 by the Federal Government to review all laws relating to women and children.

14. In 1989 the National Commission for Women was established. It took over the child welfare services from the Federal Ministry of Health and Social Services in 1991. Consequently, a fully fledged Child Welfare Department was created. The Commission is replicated at State and local government levels.

15. The National Commission for Women inaugurated a National Working Committee on Child Welfare in March 1993. This Committee was charged with the responsibility of working out strategies for effective delivery of child development services in Nigeria and for promoting collaboration among line ministries and relevant organizations on the development and protection of the child.

16. In October 1994, the Federal Government inaugurated a National Child Rights Implementation Committee with the following terms of reference:

(a) Initiating actions that would ensure the popularization of the Convention on the Rights of the Child, and the OAU Charter on the Rights and Welfare of the Child;

(b) Continuous review of the state of implementation of the Convention on the Rights of the Child in Nigeria;

(c) Developing and recommending to Government specific programmes and projects that will enhance the status of the Nigerian child;

(d) Instituting an appropriate mechanism that will enable Nigeria to monitor and evaluate the implementation of the provisions of the Convention;

(e) Collecting and collating data on the implementation of child rights;

(f) Preparing and submitting periodic reports on the state of implementation to the Federal Government, the OAU and the United Nations.

Membership of the National Child Rights Implementation Committee

17. In order to ensure maximum implementation and monitoring of the Convention, membership of the Committee is drawn from a cross-section of governmental and non-governmental organizations, higher institutions and individuals:

(a) Federal ministries:

(i) National Commission for Women;

(ii) National Planning Commission;

(iii) Nigerian Immigration Service;

(iv) Nigerian Prisons Service;

(v) Nigerian Law Reform Commission;

(vi) Federal Ministry of Education and Youth Development;

(vii) Federal Ministry of Health and Social Services;

(viii) Federal Ministry of Justice;

(ix) Federal Ministry of Information and Culture;

(x) Ministry of Foreign Affairs;

(xi) Police Affairs Commission;

(b) Non-governmental organizations:

(i) National Council of Women Societies (NCWS);

(ii) African Network on the Prevention and Protection against Child Abuse and Neglect in Nigeria (ANPPCAN);

(c) Academic institutions;

(d) Child-care experts;

(e) Media:

(i) News Agency of Nigeria;

(ii) Nigerian Union of Journalists;

(f) UNICEF (facilitator);

(g) United Nations Agencies (Observers):

(i) UNDP;

(ii) ILO;

(iii) UNESCO;

(iv) World Bank;

(v) UNFPA.

Education of the girl child

18. In Nigeria, the girl child is disadvantaged, due to the cultural practice of male child preference. In primary education enrolment, there is disparity in some parts, while in other parts, there are equal opportunities as evidenced by the following Federal Office of Statistics (FOS) 1994 table of statistics:

% Primary school enrolment/States	Male	Female
Akwa Ibom State	94	94
Bauchi State	33	28
Benue State	75	67
Delta State	93	92
Kogi State	78	74
Ogun State	95	94

19. In order to enhance girl children enrolment and promote their rights to education, a National Task Force on the Girl Child was established in 1993 with the following objectives:

(a) Identify areas of intervention in the education of the girl child;

(b) Work out a definite programme of activities to bridge the gap between the level of literacy between boys and girls;

(c) Effect actual implementation of the plan of action and monitor the implementation process;

(d) Ensure the improvement of the level of literacy of the girl child by raising the enrolment rate and reducing gender disparity in school enrolment by 15 per cent by the year 2000;

(e) Identify cultural and administrative practices that tend to encourage and widen the disparity between the boy child and the girl child with a view to gradually eliminating them;

(f) Organize mass mobilization campaigns to promote girl child education and development.

20. Membership of the National Task Force on the Girl Child are:

(a) Federal ministries:

(i) National Commission for Women;

(ii) National Planning Commission;

(iii) National Commission for Mass Literacy;

(iv) Federal Ministry of Health and Social Services;

(v) Federal Ministry of Education and Youth Development;

(vi) Federal Ministry of Information and Culture;

(b) Non-governmental organizations:

(i) National Council of Women Societies (NCWS);

(ii) African Network for the Prevention and Protection against Child Abuse and Neglect in Nigeria;

(iii) Child Welfare League of Nigeria;

(iv) Federation of Muslim Women of Nigeria (FOMWAN);

(v) Catholic Women Organisation (CWO);

(c) Child-care experts;

(d) Media;

(e) UNICEF (facilitator);

(f) United Nations agencies (observers):

(i) UNDP;

(ii) UNESCO;

(iii) UNFPA;

(iv) World Bank.

21. Zonal and State Task Forces were subsequently set up for effective monitoring and implementation of the girl child education programme at the grass roots.

22. In recognition of the increased demand in the implementation of the various ECOSOC resolutions and United Nations Conventions, the National Commission for Women was upgraded into a Ministry of Women's Affairs and Social Development in 1995. The Ministry will promote the interest of children and women and coordinate sectoral activities which concern women and children.

23. Currently, Government has established a Family Support Programme (FSP), which resulted from the 1994 declaration by the United Nations of the International Year of the Family. The Family Support Programme as it relates to children aims at:

(a) Organizing and committing the energies of children and the youth to voluntarily serve their neighbourhood, local communities and the nation at large;

(b) Increasing the provision of recreational and sporting facilities in schools and neighbourhood so that the energies of children and youths are appropriately channelled;

(c) Promoting programmes which will bring together children from different ethnic groups and socio-economic strata to engage in activities which will foster unity, mutual support and cooperation;

(d) Eliminating various forms of child abuse and child neglect which endanger the physical and emotional well-being of the children and enforcement of relevant legislation against child labour.

Other mechanisms

24. For effective sensitization and enlightenment of the public on the rights of the child the following activities are embarked upon annually by government agencies:

(a) First Lady's concern for the Nigerian Children's Trust Fund. This is to enhance the talents of children through arts and cultural activities. It also serves as a forum to raise funds for the execution of programmes and projects designed for child welfare services as well as create awareness at the highest government level on issues relating to the child;

(b) Day of the African Child (16 June). This is an annual event commemorated in line with the OAU resolution of creating a positive change for children throughout the continent. It is also in line with the spirit and

commitment of the World Summit for Children, the Dakar Consensus and the need to sensitize the public on the rights of the child and encourage implementation of those rights. Highlights of the day include:

(i) Statement of commitment and support for Nigerian children by the President;

(ii) Media encounter/press briefing;

(iii) Radio and television discussions;

(iv) Production and airing of radio jingles;

(v) Parade by African children;

(vi) Children's Parley which features discussion between the First Lady and Children;

(vii) Entertainment by children;

(viii) Presentation;

(ix) Goodwill messages;

(x) Donation in aid of children;

(c) National Children's and Youth Day Celebration (27 May). This is to honour Nigerian children and to sensitize the public on children's rights and needs. The day also promotes children's competition, rallies, art and toy development, dialogue with government officials and policy makers and other educationally stimulating programmes;

(d) National Children's Holiday Camp. This is designed to foster national unity, understanding and interaction among Nigerian children and educate them on their rights.

NGO activities

25. To complement government efforts, relevant non-governmental organizations are involved in the following:

(a) Establishment of day-care centres;

(b) Running of orphanages, setting up counselling centres;

(c) Enlightenment campaign on vesico-vaginal fistula (VVF), breast-feeding, children in especially difficult circumstances (CEDC), harmful traditional practices and immunization;

(d) Research and data collection.

In addition, the Nigerian Chapter of African Network for the prevention and Protection of Child Abuse and Neglect in Nigeria (ANPPCAN) has established Regional Monitoring Centres on child rights violation in the country.

Media activities

26. The mass media in the country have been largely supportive of the Convention; following the statement of commitment signed in 1992, various media messages on the provisions of the Convention are being regularly featured on radio, television, magazines and newspapers. In addition, there has been an increase in the establishment of children's magazines and comics.

Constraints to child rights implementation

27. Despite the efforts of Government towards implementing the provisions of the Convention, a number of factors seriously constrain the effective implementation.

28. Certain traditional practices indirectly negate the implementation of some of the provisions of the Convention. These include: discriminatory practices against girls; superstitious belief; early marriage; female circumcision; high bride price; inheritance; widowhood practices; street trading; tribal marks and tattoos.

29. Nigeria ratified the Convention amidst some economic problems. At this time, the structural adjustment programme was in existence and despite its expected good intentions, the negative impact of the programme adversely affected the dependent and vulnerable group women and children.

30. Since the ratification of the Convention in 1991, several administrative changes have taken place in Government which inadvertently slowed down the processes of implementation. However, the Family Support Programme has, as one of its main objectives, the enhancement of the quality of life of children.

III. DEFINITION OF THE CHILD

31. The National Child Welfare Policy of 1989 defines a child as anybody who is 12 years or below. However, a draft decree put into law has now set the age of the child in Nigeria as 18 years or below. It is pertinent to note that this age definition of the Convention is already in practice under municipal laws. Parents, and the society at large, are therefore under an obligation to provide their children with proper education and to protect them from exploitation arising from early marriage, employment and the negative influence that infringe on their rights.

Employment

32. The Nigerian Labour Act of 1990 states as follows:

"(1) No child shall ...

(a) be employed or work in any capacity except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character approved by the Minister; or

(b) be required in any case to lift, carry or move anything so heavy as to be likely to injure his physical development.

(2) No young person under the age of fifteen years shall be employed or work in any industrial undertaking:

Provided that this subsection shall not apply to work done by young persons in technical schools or similar institutions if the work is approved and supervised by the Ministry of Education (or corresponding department or government) of a State.

(3) A young person under the age of fourteen years may be employed only:

(a) on a daily wage;

(b) on a day-to-day basis; and

(c) so long as he returns each night to the place of residence of his parents or guardian or a person approved by his parents or guardian:

Provided that, save as may be otherwise provided by any regulations made under section 65 of this Act, this subsection shall not apply to a young person employed in domestic service.

(4) No young person under the age of sixteen years shall be employed in circumstances in which it is not reasonably possible for him to return each day to the place of residence of his parent or guardian except:

(a) with the approval of an authorized labour officer; and

(b) on a written contract (which, notwithstanding any law to the contrary, shall not be voidable on the ground of incapacity to contract due to infancy) conforming with Part I of this Act:

Provided that, save as may be otherwise provided by any regulations made under section 65 of this Act, this subsection shall not apply to a young person employed in domestic service.

(5) No young person under the age of sixteen years shall be employed:

(a) to work underground; or

(b) on machine work; or

(c) on a public holiday.

(6) No young person shall be employed in any employment which is injurious to his health, dangerous or immoral; and, where an employer is notified in writing by the Minister (either generally or in any particular case) that the kind of work upon which a young person is employed is injurious to the young person's health, dangerous, immoral or otherwise unsuitable, the employer shall discontinue the employment, without prejudice to the right of the young person to be paid such wages as he may have earned up to the date of discontinuance.

(7) No person shall continue to employ any young person under the age of sixteen years after receiving notice either orally or in writing from the parent or guardian of the young person that the young person is employed against the wishes of the parent or guardian:

Provided that this subsection shall not apply to a young person employed under a written contract entered into with the approval of an authorized labour officer.

(8) No young person under the age of sixteen years shall be required to work for a longer period than four consecutive hours or permitted to work for more than eight working hours in any one day:

Provided that, save as may be otherwise provided by any regulations made under section 65 of this Act, this subsection shall not apply to a young person employed in domestic service."

Legitimacy

33. Under subsection (2) of S.39 of the Nigerian Constitution, "No citizen of Nigeria shall be subject to any disability or deprivation merely by reason or circumstances of his birth". This section is retained in S.38 (2) of Decree No. 61 of 1993. A child is legitimate at birth if born in lawful wedlock.

34. The Matrimonial Causes Act 1970 makes provision for the custody of children of a marriage. S.71 (1) provides that in custody proceedings "the court shall regard the interest of the children as the paramount consideration". S.23 (1) of the Area Court Edict 1968 provides that "in any matter relating to the guardianship of children the interest and welfare of the child shall be the first and paramount consideration".

35. In Nigeria, the age of demarcation for absolute lack of criminal responsibility follows that set at common law for capital offences, and latter serious felonies. The governing rule was that an infant under the age of seven years could not be guilty of felony. Thus, the Criminal Code, S.30, provides:

"A person under the age of twelve years is not criminally responsible for any act or omission unless it is proved that at the time of doing the act or making the omission he had the capacity to know that he ought not to do the act or make the omission."

36. The Penal Code, S.50, provides that no act is an offence which is done:

(a) By a child under 7 years of age;

(b) By a child above 7 years of age but under 12 years of age who has not attained sufficient understanding to judge the nature and consequence of such act.

Sections 26 (1), 27 and 28 of the Children and Young Persons Law provide that where a child under the age of 7 commits an offence, he is to be brought before the Juvenile Court. Section 2 of the Law describes a child as "a person under fourteen", and young persons between 14 and 17 are subject to special procedures.

IV. GENERAL PRINCIPLES

37. The Nigerian Constitution protects and respects the fundamental rights of all citizens, adult and children alike. Chapter 4 of the Constitution provides an array of such rights: right to life S.30, right to dignity S.31, right to personal liberty S.32, rights to freedom of thought, conscience and religion S.34, right to freedom of expression S.36, right to peaceful assembly S.37, right to freedom of movement S.38 and right to freedom from discrimination S.39. These constitutionally guaranteed rights are in agreement with the general principles of the Convention, namely non-discrimination, best interest of the child, right to life, survival and development and respect for the views of the child. In addition, various sections of the laws and the Penal Codes address these issues.

38. Non-discrimination. The Constitution of the Federal Republic of Nigeria (S.39 (2)) of 1979 stipulates that no child shall be discriminated against due to the circumstances of his birth. Traditional and religious values, however, infringe on the full implementation of this part of the Constitution. For example, in the Muslim tradition, a child born out of wedlock has no right to inheritance and full adoption. There exist, however, very good foster laws in those States having such traditions.

39. Best interest of the child. Section 23 (1) of the Area Court Edict 1968 provides that in any matter relating to the guardianship of children the interest and welfare of the child shall be the first and paramount consideration. Before the ratification of the Convention in 1991, the provisions of which are now reflected in the draft Children's Decree, the spirit of article 3 of the Convention was already in force in Nigeria. Nevertheless, there are cultural constraints arising from respect for age and experience which do not always place the best interest of the child above all considerations.

40. Respect for the views of the child. The Nigerian Law of Evidence, Cap. 112, S.155 and 183, of 1990 states that "all persons shall be competent to testify unless the court considers that they are prevented from understanding the question put to them or from giving rational answer to those questions by reason of tender age". Section 38 of the Children and Young Persons Act of 1958 further states that "in any proceedings for any offence the evidence of any child who is tendered as a witness and does not in the

opinion of the court understand the matter of an oath, may be received although not given upon oath if in the opinion of the court such a child is possessed of sufficient intelligence to justify the reception of the evidence and understand the duty of speaking the truth". The section goes further to state that for the evidence of the child to be binding on the court this has to be corroborated by the evidence of an adult. This low value of the evidence of the child has been changed in the draft decree. In general, however, a child now gains more acceptance as he matures - in the words of the Convention, "as capacities evolve".

41. Right to life, and development. The right of the Nigerian child to life, survival and development is guaranteed under the Nigerian Constitution of 1979 presently in force.

V. CIVIL RIGHTS AND FREEDOMS

42. Nationality. Section 23 of the 1979 Constitution provides for citizenship by birth and it reads thus:

> "(a) Every person born in Nigeria before the date of independence, either of whose parents or any of whose grandparents belong or belonged to a community indigenous to Nigeria. Provided that a person shall not become a citizen of Nigeria by virtue of this section if neither of his parents or any of his grandparents was born in Nigeria;
>
> (b) Every person born outside Nigeria either of whose parents is a citizen of Nigeria."

43. Name. The Registration of Births laws in each of the States of Nigeria ensure that every child is given a name and an identify which must be registered. The extended family system ensures that children are cared for at all times by an adult who is responsible for their welfare. However, with the foreign values and economic hardships, the extended family system is no longer as effective as it used to be. Some States promulgated laws for the adoption and fostering of children. The children and young persons laws of the States also place a duty on parents or anybody in law to provide for the all-round development of the child.

44. Preservation of identity. A child's citizenship by birth cannot be repudiated. The State has no right to interfere in the child's right to identity/name. The State may, however, interfere under the Children and Young Persons Law in the right to family relations if it can be seen that the best interest of the child is not being exercised in such relations.

45. Freedom of expression. Sections 36 and 38 of the 1979 Constitution grant a child the fundamental right to freedom of expression and the press. The child is therefore free to hold opinions, receive and impart ideas and information without interference. This right is, however, subject to the purpose of preventing the disclosure of information received in the courts or of cinematograph films.

46. Access to appropriate information. Section 36 of the 1979 Constitution combines the freedom of expression with the freedom of access to appropriate information. To this end the mass media have columns designed to be of special interest to children and to help their development. This right is, however, expected to be exercised under guidance.

47. Freedom of thought, conscience and religion. Section 35 of the 1979 Constitution ensures the child's right to freedom of thought, conscience and religion. Thus, a child is entitled to change his religion or belief and he/she is free to manifest and propagate his religion or belief in worship, teaching, practice or observance. The same section protects a child attending a place of education from being required to receive religious instruction or take part in or attend any religious ceremony or observation if such instruction, ceremony or observation relates to a religion other than his own or a religion not approved by his parent or guardian. Membership of a secret society or participation in any of its activities is, however, prohibited. In the exercise of this right, too, parents/guardians have a duty to direct their children.

48. Freedom of association and of peaceful assembly. Section 37 of the 1979 Constitution provides for the right to freedom of association and of peaceful assembly. Thus, a child is entitled to assemble freely and to associate with other persons for the protection of his interest. A child, however, cannot be a member of a political party. Parents and guardians continue to have civil liability for their children. It is therefore in their interest to direct the exercise of this right in conformity with the laws.

49. Right to private and family life. Section 34 of the 1979 Constitution guarantees and protects the privacy of the child, his/her home, correspondence, telephone conversations and telegraphic communications. The exercise of this is, however, subject to the interest of defence, public safety, public order, public morality, and the protection of the rights and freedoms of others.

50. Right to dignity of the human person. Section 31 of the 1979 Constitution ensures for the child the dignity of his/her person and accordingly:

(a) The child shall not be subjected to any form of torture or to inhuman or degrading treatment;

(b) The child shall not be required to perform forced or compulsory labour.

Infringement is liable to prosecution both under the Constitution and the criminal laws. The child is not liable to capital punishment or life imprisonment for offences committed by him.

51. Family environment and alternative care. The family is the foundation and basic unit of the society which provides a unique environment for the survival, protection and development of children. It provides the physical, social and psychological development. It also teaches moral and cultural values to the child. Hence, it is in the family that children are socialized

and nurtured. However, there are cases where, in line with African tradition of being their brothers' keepers, children stay with relations or in-laws. In this respect they are considered as an integral part of the household. An alternative care like foster homes or orphanages is always considered as a last resort.

52. Parental guidance. Parents guide and direct their children up to the age of 18. They provide them with the basic survival and development needs which include health care, good nutrition, education and general protection. They also inculcate in the children moral principles, cultural values and good discipline.

53. Parental responsibilities. Traditionally, Africans love children. Consequently, it is part of the societal norm to provide for adequate upbringing of the child. In Nigeria, parents ensure the best interest of the child providing conditions of living necessary to the child's development. However, due to the socio-economic situation which makes parents seek a means of livelihood, adequate domestic care for the child has been greatly affected.

54. Separation from parents. In Nigeria, when cases of separation occur, the family court or formal court is relied upon to determine the custody of the child. In addition, the Matrimonial Causes Act of 1970 makes provision for the custody of the children in the event of separation. Section 71 (i) provides that in custody proceedings "the court shall regard the interest of the children as the paramount consideration".

55. Recovery of maintenance for the child. A maintenance obligation law in Nigeria guarantees a child's basic necessities. The social welfare office of the Federal Ministry of Health ensures that some assistance is rendered for the upkeep of the children of needy parents. Philanthropists as well as the organized private sector also render some assistance.

56. Children deprived of a family environment. The responsibility of providing for the child who has been deprived of a family environment shifts to members of his/her immediate family or in-laws. Communities sometimes take this as their responsibility while social welfare offices at local, State and federal levels come in to offer assistance.

57. Abuse and neglect, physical and psychological recovery and social reintegration. In the Nigerian context child abuse is defined as any form of cruelty to a child's physical, moral or mental well-being. The criminal law imposes a duty on parents and guardians to provide and protect the child from abuse, neglect and abandonment.

58. Adoption. In conformity with article 21 of the Convention, Nigeria recognizes the system of adoption which ensures the overall interest of the child. However, there is no uniform national adoption law; some States have adoption laws while States which do not have them have foster laws.

59. Illicit transfer and non-return. It is an offence for a person to permit or cause to procure the possession of a child for the purposing of giving it to any person outside the State or outside Nigeria without the due process of law being taken into account.

VI. BASIC HEALTH AND WELFARE

60. The National Health Policy is in line with articles 6, 18, 23, 24 and 27 of the Convention. The general goal of the policy is to bring about a comprehensive health-care system based on primary health care which is promotive, preventive, protective, restorative, rehabilitative and, especially, affordable, to every citizen of the country.

61. Survival and development. The various National Development Plans from 1961 to 1985 focused on the need for the survival and development of every citizen through the provision of comprehensive health-care services. However, following Nigeria's participation in the World Summit for Children and the OAU International Conference on Assistance to African Children in 1992 which adopted the Dakar Consensus, a National Plan of Action was developed. The plan was further reinforced by the Bamako Initiative which emphasized the availability of affordable health care for child survival, especially at the community level.

62. In addition, Nigeria formulated a National Population Policy. The goals of the policy are:

(a) To improve the standards of living and quality of life of the people;

(b) To promote their health and welfare especially through preventing premature deaths and illness among high-risk groups of mothers and children, as well as to discourage pregnancies before the age of 18 and after 35 through nationwide family planning and child spacing campaigns;

(c) To achieve lower population growth rates by voluntary fertility regulation methods that are compatible with the attainment of the economic and social goals of the nation;

(d) To achieve a more even distribution of population between urban and rural areas.

63. Strategies for achieving these following goals are:

(a) Promotion of awareness among the population of the problem and the effects of rapid population growth on development;

(b) Provision of the necessary information and education on the value of reasonable family size;

(c) Education of all young people on population matters, sexual relationships, fertility regulation and family planning before entering the ages of marriage and child-bearing to assist them towards maintaining responsible family sizes;

(d) Provision, at affordable cost, of family planning means and services to all couples and individuals at the earliest possible time to enable them to regulate their fertility;

(e) Enhancement of integrated rural and urban development in order to improve the living conditions in the rural areas and to slow down the rate of migration from rural areas to cities.

64. The policy has raised acceptance of family planning. About 7.7 per cent of births in Nigeria come from girl children of 15-18 years and 0.1 per cent from girls of 14 years and below. Population policy has created awareness of family planning from 6 per cent in 1990 to 10 per cent in 1994 while the awareness level has also increased from 43 per cent in 1990 to 83 per cent in 1992.

65. Disabled children. In an effort to combat prevailing social prejudices against disabled children, the Government has established intervention/services to guarantee for them a conductive environment and opportunities for the total development of their capacities. In line with the fundamental objectives of Nigeria's Social Development Policy with regard to rehabilitation, the Government has set up a special department in the new Ministry for Women's Affairs and Social Development and in its commitment to cater for the needs of disabled children, the Government has established rehabilitation/vocational centres, special schools for handicapped children and remand homes and borstal institutions.

66. In addition to providing free education for disabled children at the primary school level, the Government encourages collaboration between the relevant ministries, especially those of health, education, social welfare and labour to ensure sound education, adequate health care, screening and referral services as well as after-school placement. Also in existence is a National Emergency Relief Agency, which provides relief materials to children in especially difficult circumstances.

67. Non-governmental organizations, individuals and philanthropists complement government efforts in the provision of services to disabled children.

68. Health and health services. The thrust of the National Programme of Action for the Development and Protection of Children is to improve the standard of living and well-being of children and women in the country, through the institution of programmes that will increase their chances of survival and development.

69. The envisaged programme objectives at the national level by the year 2000 are:

(a) To reduce the infant mortality rate from its current level of 75 to 60 per 1,000 live births;

(b) To reduce the under-five mortality rate from the present levels of 125 to 80 per 1,000 live births;

(c) To reduce the maternal mortality rate from the current level of 12 to 9 per 1,000 live births;

(d) To reduce moderate and severe malnutrition among under-fives from 24 per cent and to 22 per cent, respectively, to 12 per cent and 10 per cent;

(e) To reduce the percentage live births with low birth weights (below 2.5 kg) from current levels of 18 per cent to 10 per cent;

(f) To provide universal access to safe drinking water from the current coverage levels of 50.35 and 30 per cent, respectively, of urban, semi-urban, and rural populations;

(g) To provide sanitary means of human waste disposal to all citizens from the current access levels of 40 per cent urban, 30 per cent semi-urban and 25 per cent rural populations.

70. A tabular presentation of the proposed natural programme goals in the field of health is available for consultation in the files of the Centre for Human Rights.

71. Child-care services and facilities. These are provided at national, State and local government levels. Also, non-governmental organizations and private individuals are involved in the provision of child-care services facilities, particularly in the area of day-care centres and creches. Women Development Centres are established as units within State Women Commissions. These centres provide maternal and child care for their immediate communities in the form of day-care centres and pre- and post-natal facilities. In addition, the Early Child Care and Development Programme is entrenched in the curriculum of day-care centres in the country, with the objective of stimulating model health-care approaches for infants and young pre-schoolers residing in rural and urban areas. Employers are encouraged to provide these services to improve productivity and encouraging breast-feeding.

72. Standard of living. To improve the overall standard of living which has been negatively affected by the prevailing socio-economic conditions, the Federal Government, in collaboration with donor agencies, has introduced the Household Food Security Programme to make food available and affordable at the family level. The current Family Support Programme is also geared towards enhancing the overall standard of living of the Nigerian family.

73. As far as child care and development is concerned, the programme envisages the following:

(a) Promotion of the production of baby foods especially from locally available farm produce such as soya beans, maize, guinea corn, millet, beans, groundnut and palm oil; such produce will serve as alternatives to imported foods which are sometimes unaffordable;

(b) Promotion of proper food and nutritional education to further enhance the acceptability of such locally sourced child supplements. Related to this is the development of a coherent sustainable food and nutrition policy that would facilitate local production;

(c) Emphasizing the promotion of the manufacturing of vitamin A-enriched products to offset the incidence of low birth weights and provide nutritional supplements such as vitamin A to combat blindness and anaemia, as well as salt iodization and distribution of iodine capsules to eliminate Iodine Deficiency Disorders (IDD).

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

74. In Nigeria, parents and governments bear the heaviest responsibility for the education of children. For example, primary school education is free in all government schools while secondary schools are heavily subsidized. This is in line with section 18, subsections 1 and 3, of the Constitution which guarantees education as a right for every Nigerian child. In realization of the importance of science and technology, the National Policy on Education states that education will be used as an instrument for scientific, technological and cultural development of the society.

75. Two main policy documents spell out the basic guidelines for the realization of educational objectives in Nigeria. These are the National Policy on Education and the National Policy on Science and Technology.

76. National Policy on Education. It is stipulated in the National Policy on Education that children from age 6-12 years shall undergo six years of primary education and three years of junior secondary education. The aims of primary education as contained in the policy document is the provision of basic education with emphasis on paramount and functional literacy, numeracy skills and effective communications skills. Junior secondary education, on the other hand, is aimed largely at enabling children to acquire a broad-based education in the development of the mind, in understanding the world around them and in acquiring appropriate skills, abilities and competences, both mentally and physically, to live and contribute to the development of the society.

77. The National Policy on Science and Technology. In order to achieve the objectives of the National Policy on Education, the National Policy on Science and Technology aims further at maintaining a well-fed, healthy, well-informed and happy citizenry by providing adequate and suitable education, among other things. The policy emphasizes science education at all levels making it possible for the average child to have early contact with the concepts of and materials related to science and technology even before attaining primary school age. Emphasis is also on ensuring a sound science foundation during the first six years of the 6-3-3-4 educational structure through entrenchment of science teaching in the primary school curriculum.

78. Implementation of basic education for children. Since 1987, the National Council on Education has made it mandatory that policy provisions for the education of children be implemented simultaneously at federal, State and local government levels.

Subsequently, the following strategies were adopted.

79. Early childhood education. In collaboration with relevant donor agencies such as UNICEF, UNESCO and educational institutions, the early childhood education project was launched. The project focuses mainly on the establishment of day-care centres to stimulate model health-care approaches for infants and young preschoolers residing in rural and urban areas. The programme's orientation is informal, low-cost, community based and targeted at families of less than average means. Baseline surveys have also been conducted to assess the needs and aspirations of the recipients, and the feasibility of the pilot programme.

80. Curriculum guidelines have been developed for early childhood education with pilot testing conducted to determine its relevance, adequacy and appropriateness. Monitoring mechanisms exist for supervising and inspecting nursery schools in order to ensure compliance to set standards.

81. To arrest deteriorating trends and avoid eventual collapse of primary education, the National Primary Education Commission has been set up. Budgetary allocations have been made to ensure continuity in the development of primary education, especially in terms of facilities, equipment and personnel management.

82. A World Bank-assisted primary education project covering a period of six years (1991-1996) has been put in place. Major schemes expected to be implemented include:

(a) Training of about 400,000 education personnel for primary schools;

(b) Provision of textbooks in five basic subjects and the creation of a permanent textbooks fund;

(c) Research, especially in critical areas such as national assessment of achievements and use of the local environment;

(d) Data/information management with emphasis on primary education.

83. Within the context of renewed commitment to the provision of basic education for all, a solid foundation is being laid for free and compulsory basic education for nine years, covering primary and junior secondary education respectively. The thrust of the commitment includes:

(a) Ensuring that all six-year-old children are enrolled in primary schools and emphasizing enrolment and retention of all children;

(b) Ensuring a 100 per cent transition from primary to junior secondary level;

(c) Contributing to a massive reduction of the illiteracy and drop-out rate by making basic education free and compulsory for children and by increasing the number of years of schooling for them;

(d) Imparting the rudiments of employment-creating skills at the junior secondary level where technical and vocational education is emphasized;

(e) Enhancing initial training by contributing to the personal development of children and youth;

(f) Ensuring emphasis on girl-child education, especially with the setting up of task forces on the education of the girl child.

84. The Government's resolve to provide education for all children led to the establishment of a National Commission for Nomadic Education that would take care of the education of children of nomads and migrant fishermen. Budgetary allocations have been made to provide trained teachers and equipment to facilitate education for children of nomads and migrant fishermen. In addition, baseline studies are in progress to provide the necessary research data for the take-off of a "schools in boats" programme, specifically for children of fishermen in the riverine areas of the country.

85. Special education. To provide education for the physically and mentally handicapped as well as the gifted children the Government has continued to fund and sustain special education in the country. In addition, the Federal Government has liberalized the establishment of special schools.

86. Enrolment trends and goals. Based on basic education statistics and trends in Nigeria, the following goals for the enrolment and growth rate of basic education for children in Nigeria by the end of the decade have been approved by the Government:

(a) A one-third reduction in the gap between 1990 primary school enrolment of 68.72 per cent and the year 2000 target of 80 per cent, a 72.4 per cent gross enrolment rate is expected to be achieved by the end of 1995. Given the 1992 gross enrolment rate of 70.2 per cent, it is envisaged that by the end of 1995, the projected minimum enrolment rate of 72.4 per cent for primary school-age children will be attained;

(b) A minimum of 46.8 per cent in girls' enrolment rate is required by 1995 in order to reduce the gender disparity by one third of its 1990 level. The current trend shows that girls' enrolment is projected to be no more than 45-50 per cent for 1995 (1993 estimate). This means that although girls' enrolment rate improved marginally, such an improvement is not sufficient to achieve the required one-third reduction in the gender disparity by 1995;

(c) By the year 2000 the gender disparity will not have been reduced to zero, but realistically can be narrowed to at least a 2 percentage point difference between the sexes from its 1990 level of 10 per cent;

(d) Given current trends, Nigeria would attain the 80 per cent enrolment level for all children of primary school age by the year 2000. This will meet the estimated target.

87. The attainment of the goals for the achievement of education for all in Nigeria is affected, ipso facto, by the following constraints:

(a) Uneven distribution of schools in the country;

(b) Inadequate educational facilities;

(c) Religious and cultural constraints relating to early marriage that lead to high drop-out rate for girls and trading for boys.

88. Leisure. Article XII of the Constitution, in conformity with the Convention, specifies that leisure implies activities and situations which enable the child to rest and engage in play as well as in recreational activities appropriate to his/her age and to participate freely in culturally relevant activities. Since culture variations exist in Nigeria, leisure activities for children do vary from one part of the country to another. However, the educational system in Nigeria is liberally laced with leisure-related activities for children.

89. The pre-primary and primary school curricula in Nigeria contain aspects of recreation for children. At the pre-primary education level, the curriculum is largely based on leisure activities for children aged three to six years and the teaching methodology is "play and learn". Hence, standards are set for recreational activities in pre-primary school which themselves are largely operated by private proprietors. At the primary school level, the curriculum incorporates leisure activities in the learning process of children. Such activities include arts and crafts, gardening, fishing and games. Physical education in all schools is emphasized. Outside the school systems, the annual children's parley with the First Lady of the Federal Republic of Nigeria, children's holiday camp and inter-State exchange programmes have become regular features in sensitizing the general public to the rights of the child to leisure and recreation. Children's concerts, drama and debates also now feature prominently on national media programmes (i.e. network radio and television). Consequently, there has been an increased awareness regarding the efficacy of leisure activities for realizing the latent creative potentials of children. This is evidenced by the willingness of parents to allow their children to participate in such concerts nationwide. Children in the countryside are also mainly engaged in leisure activities in the form of cultural festivities and religious activities particularly on specified days for such celebrations.

90. Culture. Nigeria is a culturally diverse country. There exists in the country a cultural policy on education which stipulates culturally relevant school activities for children of school age. The learning of local crafts and traditional cooking now features prominently in the school curriculum. The use of the mother tongue for teaching and learning is also encouraged. Within the context of the World Decade for Cultural Development, the Government has articulated its educational plans and priorities toward enhancing cultural preservation for the benefit of children.

91. Based on the Cultural Policy on Education, the following activities are articulated to foster the education and training of children:

(a) Development of educational activities for children and youths in Nigerian museums;

(b) Documentation of Nigerian folklore resources to be developed into pamphlets for Nigerian children;

(c) Annual cultural exhibitions and competitions between primary and secondary schoolchildren at zonal and national levels;

(d) Establishment of 60 unity secondary schools which attract children from diverse ethnic groups across the country. The importance of unity schools lies more in the fact that primary and secondary level schools are not strictly controlled by the central Government, and hence a need exists for children from differing ethnic and cultural backgrounds to come together in the same environment to foster national unity and understanding;

(e) Mandatory basic education in the mother tongue during pre-primary school and the first three years of primary education. In addition, students are expected to study one Nigerian language outside their mother tongue at junior and secondary level.

VIII. SPECIAL PROTECTION MEASURES

92. The economic situation in the country, arising mostly from the effects of the structural adjustment programme, the high rate of urbanization and the resultant breakdown in the extended family system, has resulted in an unprecedented increase in the number of children in especially difficult circumstances (CEDC). There are basically three categories of CEDC in Nigeria. These include:

(a) Children who engage in hawking wares, load carrying, car washing, shoe shining, petty trading, refuse clearing, begging, prostitution, etc.;

(b) Children endangered by abuse and neglect. These include disabled children, sexually abused female children, children of prostitutes living with their mothers in brothels, children of community outcasts, children of mentally unstable mothers, immigrant children and those lured into early marriage;

(c) Children in situations of conflict and disasters. These are refugee children who may be neglected, stereotyped or abandoned following natural, political, ethnic or religious crises which may occur from time to time in Nigeria.

93. Children in situations of emergency. There is a National Commission for Refugees in the Presidency and a National Emergency Relief Agency as well as several non-governmental organizations which work towards protection and assistance to refugee children. Children do not take part directly in hostilities, nor is anybody under 15 years of old recruited into the armed forces. In times of conflict, the protection of the child is paramount, especially as it is expected that the lineage will continue through them.

94. Children in conflict with the law. According to section 30 of the Criminal Code, any person under the age of 7 years is not criminally responsible for any act or omission. A person under the age of 12 years is not criminally responsible for any act or omission unless it is proved that at the time of doing the act or making the omission, he had the capacity to know that he ought not to do the act or make the omission. However, the draft

decree has dropped reference to the age of liability but various mechanisms and institutions have been provided to assist any child who has infringed the law to become resocialized.

95. In every criminal trial involving children, it is guaranteed that:

(a) A child charged with an offence is presumed innocent until proven guilty according to law;

(b) The child or his parents/guardian is informed promptly of the charges against him/her and is entitled to a defence;

(c) A criminal trial can only be determined by a competent, independent and impartial judicial body according to the rules of natural justice and under conditions of the best interest of the child;

(d) A child cannot be compelled to confess guilty and, in his defence, witnesses may be examined;

(e) Except for decisions at the Armed Robbery Tribunal, decisions of other criminal courts may be appealed against to a higher court;

(f) An interpreter will be provided where the child cannot understand or speak the English language;

(g) The parents or guardian may attend if they so wish or if they are compelled by the court.

96. Children deprived of their liberty. Children over 12 years old may be sentenced by deprivation of their liberty in established remand homes or other such institution or schools approved by the Minister for this purpose. No child can be ordered to be imprisoned if below 12 years and where he is above 14 years, he may be ordered to be imprisoned only if the court is of the opinion that he cannot be suitably dealt with in any other way. Such imprisoned child shall not be allowed to associate with adult prisoners.

97. The sentencing of juveniles. Where a child is found guilty of committing an offence, the following are the methods which the court may consider for dealing with such a child:

(a) Dismiss the charge;

(b) Discharge the offender upon his entering into a recognizance;

(c) Commit the offender by a mandate to the care of a fit person;

(d) Commit the offender by a mandate to an approved institution;

(e) Order parent or guardian to pay fine, damages, cost, or to give security;

(f) Commit the offender to custody in a place of detention for a period not exceeding six months;

(g) Order him to be imprisoned, if over 14 years, after Borstal training.

98. Children in situations of exploitation, including physical and psychological recovery and social reintegration. The Labour Act protects the child from being employed under exploitative circumstances or circumstances that may be injurious to his health. Unfortunately, the socio-cultural and economic factors have compelled a large proportion to participate in economic activities.

99. Special attention is being targeted at children by the National Drug Law Enforcement Agency. Guidance and counselling experts are at work to rehabilitate children who have already "experimented" with drugs and other education programmes are carried out to stop other children from falling victim. Drug-free clubs are in existence in many secondary schools.

100. The Criminal Code prohibits the sexual assault or indecent assault of children, both male and female. Society also views with extreme disgust anybody known to assault children sexually. However, cases exist where girls from puberty are deemed to be ready for marriage and are married off by their parents. The law of rape, however, recognizes 16 years as being the age of sexual consent. Several enlightenment programmes are on to discourage child marriages.

101. Children are sometimes used for begging for alms. This practice has been heavily criticized and measures are being taken to discourage the practice.

102. The Criminal Code prohibits the sale of a child, the trafficking of a child or the abduction of a child.

103. Section 39 of the 1979 Constitution grants a child the rights to freedom from discrimination on grounds of age, sex, disability, ethnic group, community, religion or political opinion.